

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Peter Emig et al.

Serial No. 09/910,141

Filed on July 10, 2001

For: NOVEL HETEROARYL DERIVATIVES, etc.

Attorney's Docket 0691-070

**Attn. Mr. John Doll, Director, GAU 1620**

Commissioner of Patents

Washington DC 20231

Sir:

**Petition for overruling examiner**

This is a petition for overruling the examiner having made a restriction requirement final.

A traverse was filed against the restriction requirement in which an examiner concentrated on the difference in the substituent sidechains. The traverse was made on the basis that all of the compounds of the claims were directed to compounds having a single common nucleus and only the substituent sidechains differed.

In his response mailed on September 27, 2002 the examiner entirely ignored the ground of the traverse, and again concentrated only on differences in the sidechains and has left that grounds on which the traverse was made entirely without any reply.

Respectfully submitted

Customer No., address 23622

Gabriel P. Katona, attorney of record

It is hereby certified that this is being faxed to (703)305-7230 on 10/1/02.

*Francene Sawyer*